

**REMARKS**

Claims 1-3, 5-23 and 25-30 are pending in this application. By this Amendment, claims 1-2, 5, 8-9, 11, 14-15, 18, 21-22, 25 and 28 are amended and claims 4 and 24 are canceled without prejudice or disclaimer. Various amendments are made for clarity and are unrelated to issues of patentability.

The Office Action rejects claims 1-6, 8-16, 18-26 and 28-30 under 35 U.S.C. §102(e) by U.S. Patent 7,158,173 to Lee et al. (hereafter Lee). The Office Action also rejects claims 7, 17 and 27 under 35 U.S.C. §103(a) over Lee in view of U.S. Patent 6,597,339 to Ogawa. The rejections are respectfully traversed with respect to the pending claims.

Independent claim 1 recites a controller which controls the terminal to sense an illumination intensity of a photographed object around the terminal, the photographed object comprising a digital image having a plurality of pixels, the controller to determine a level of the illumination intensity based on a most frequently detected brightness value of the pixels in the digital image. Independent claim 1 also recites a display unit which controls the screen brightness value of the terminal based on the level of illumination intensity determined by the controller.

The applied references do not teach or suggest at least these features of independent claim 1. More specifically, Lee's FIG. 4 shows calculating a luminous average of a center region of a screen and calculating a luminous average of an edge region of the screen. See, for example, steps 404 and 406 in FIG. 4. Based on these calculated averages, a comparison is made with critical values, and a determination of a bright state or a dark state may be determined. Additionally, Lee's FIG. 8 discloses adjusting display brightness in pixel units based on the

environmental brightness determination. This may include by calculating a histogram of luminous elements and adding or subtracting a control value to pixel values according to the environment brightness determined by the environmental brightness sensor 112. For example, the control value may be subtracted from the pixel values as shown in FIG. 9C and/or the control value may be added to the pixel values as shown in FIG. 9B. See, for example, col. 10, lines 10-35.

Lee does not relate to determining a level of the illumination intensity based on a most frequently based brightness value of the pixels in the digital image. Lee does not determine a most frequently detected brightness value of the pixels and/or make a determination based on the most frequently detected brightness value. Still further, Lee does not teach or suggest to determine a level of the illumination intensity and/or control the brightness value based on the determined level.

For at least the reasons set forth above, Lee does not teach or suggest all the features of independent claim 1. Ogawa does not teach or suggest the features of independent claim 1 missing from Lee. Thus, independent claim 1 defines patentable subject matter.

Independent claim 11 recites controlling the terminal to sense an illumination intensity of a digital image having a plurality of pixels and to determine a level of the illumination intensity based on a most frequently detected brightness value of the pixels, and controlling the screen brightness value of the terminal based on the determined level of the illumination intensity.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 11. Thus, independent claim 11 defines patentable subject matter.

Independent claim 21 recites a first computer code which controls the terminal to sense an illumination intensity of a photographed object around the terminal, the photographed object comprising a digital image having a plurality of pixels, the first computer code to determine a level of the illumination intensity based on a most frequently detected brightness value of the pixels in the digital image, and a second computer code which controls the screen brightness value of the terminal based on the level of illumination intensity determined by the first computer code.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 21. Thus, independent claim 21 defines patentable subject matter.

Accordingly, each of independent claims 1, 11 and 21 defines patentable subject matter. Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

For example, dependent claim 8 recites a data table including a first range of brightness peak values and a second range of brightness peak values different than the first range of brightness peak values, the data table further including a first illumination intensity value corresponding to the first range of brightness peak values and a second illumination intensity

value corresponding to the second range of brightness peak values. See also dependent claims 18 and 28. The Office Action appears to cite Table 1 in col. 9 and FIGs. 9A-9D as corresponding to the features of dependent claim 8. However, Lee does not relate to ranges of brightness peak values and/or that each range has a corresponding illumination intensity value. Thus, Lee does not teach or suggest the features of dependent claim 8 (and similarly dependent claims 18 and 28). Accordingly, dependent claims 8, 18 and 28 define patentable subject matter at least for this additional reason.

Still further, dependent claim 9 recites that the controller reads the illumination intensity value from the data table, and the display unit controls the screen brightness value of the terminal based on the first illumination intensity value read from the data table. See also dependent claims 19 and 29. The Office Action cites Lee's col. 6, line 58-col. 7, line 12 and col. 9, line 26-col. 10, line 5. However, the cited section does not relate to reading the intensity value from the data table (that includes first and second ranges of brightness peak values) and controlling the brightness value based on the illumination intensity value read from the data table. Thus, dependent claims 9, 19 and 29 define patentable subject matter at least for this additional reason.

### **CONCLUSION**

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-3, 5-23 and 25-30 are earnestly solicited. If the Examiner believes that any additional changes would place the

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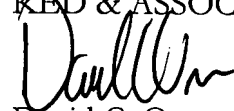
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application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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